

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE LAVENDER JONES,

Plaintiff,

Case No. 11-CV-11191

v.

HON. GEORGE CARAM STEEH

STATE OF MICHIGAN and MICHIGAN
DEPARTMENT OF CORRECTIONS,

Defendants.

ORDER DISMISSING CLAIMS

Plaintiff Denise Lavender Jones, appearing pro se, filed this suit against the State of Michigan and Michigan Department of Corrections alleging retaliation for protected activities. While her complaint is vague, she references Title VII of the Civil Rights Act of 1964 and an investigation by the EEOC. On September 6, 2011, defendants filed a motion to dismiss arguing: 1) plaintiff's Title VII claim should be dismissed as she failed to allege and demonstrate that she exhausted her administrative remedies; and 2) any other claims asserted by plaintiff should be dismissed for failure to plead in avoidance of the State's Eleventh Amendment immunity. After plaintiff failed to file a response by the deadline, the court issued an order to show cause as to why defendants' motion should not be granted. Plaintiff filed a response requesting an additional thirty days to respond to the order to show cause, to allow her time to have an attorney review the matter. She attached a right to sue letter. However, the right to sue letter is undated and thus does not show that plaintiff filed her case within 90 days of the notice of right to sue. On October 24, 2011, the court issued an order extending the deadline for plaintiff to respond to the order to show cause to

November 28, 2011. The deadline has passed and plaintiff failed to respond to the order to show cause as to why defendants' motion should not be granted. Therefore,

IT IS HEREBY ORDERED that: (1) plaintiff is allowed until **December 20, 2011** to provide a dated right to sue letter or her Title VII claim will be DISMISSED; and (2) any other claims asserted by plaintiff are DISMISSED for failure to plead in avoidance of the State's Eleventh Amendment immunity.

Dated: December 6, 2011

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and Denise Lavender Jones, 231 West Troy #2045, Ferndale, MI 48220 on December 6, 2011, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk